

**PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES**

2. In § 272.1, paragraph (g)(138) is revised to read as follows:

**§ 272.1 General terms and conditions.**

\* \* \* \* \*

(g) Implementation \* \* \*  
(138) *Amendment No. 359* The provision of *Amendment No. 359* regarding the medical expense deduction is effective and must be implemented no later than October 1, 1994. Any variances resulting from implementation of the provisions of this amendment shall be excluded from error analysis for 120 days from this required implementation date in accordance with 275.12(d)(2)(vii) of this chapter. The provision must be implemented for all households that newly apply for Program benefits on or after the required implementation date. State agencies must notify households eligible for the deduction of the change in medical deduction reporting requirements and the right of the household to be converted to those new procedures immediately. The current caseload shall be converted to these provisions at the household's request, at the time of recertification, or when the case is next reviewed, whichever occurs first.

\* \* \* \* \*

**PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS**

3. In § 273.10, the eighth sentence of paragraph (d)(4) is removed, and three new sentences are added to the end of paragraph to read as follows:

**§ 273.10 Determining household eligibility and benefit levels.**

\* \* \* \* \*

(d) *Determining deductions.* \* \* \*  
(4) *Anticipating expenses.* \* \* \* If the household voluntarily reports a change in its medical expenses, the State agency shall verify the change in accordance with § 273.2(f)(8)(ii) if the change would increase the household's allotment. The State agency has the option of either requiring verification prior to acting on the change, or requiring the verification prior to the second normal monthly allotment after the change is reported. In the case of a reported change that would decrease the household's allotment, or make the household ineligible, the State agency shall act on the change without requiring verification, though verification which is required by § 273.2(f)(8) shall be obtained prior to the household's recertification.

\* \* \* \* \*

4. In § 273.21:

a. Paragraph (f)(2)(iv) is amended by adding the words “, except medical expenses,” after the words “prorated over two or more months” in the first sentence, and by adding a new sentence after the first sentence.

b. The third sentence of paragraph (i) is revised and a fourth sentence is added.

c. Paragraph (j)(3)(iii)(C) is revised.

The revisions and addition read as follows:

**§ 273.21 Monthly Reporting and Retrospective Budgeting (MRRB).**

\* \* \* \* \*

(f) *Calculating allotments for households following the beginning months.* \* \* \*

(2) *Income and deductions.* \* \* \*

(iv) \* \* \* Medical expenses shall be budgeted prospectively. \* \* \*

\* \* \* \* \*

(i) *Verification.* \* \* \* If the household voluntarily reports a change in its medical expenses, the State agency shall verify the change in accordance with § 273.2(f)(8)(ii) before acting on it if the change would increase the household's allotment. In the case of a reported change that would decrease the household's allotment, or make the household ineligible, the State agency shall act on the change without requiring verification, though verification which is required by § 273.2(f)(8)(i) shall be obtained prior to the household's recertification.

(j) *State agency action on reports.*

\* \* \*

(3) *Incomplete filing.* \* \* \*

(iii) \* \* \*

(C) If a household fails to verify a change in reported medical expenses in accordance with § 273.2(f)(8), and that change would increase the household's allotment, the State agency shall not make the change. The State agency shall act on reported changes without requiring verification if the changes would decrease the household's allotment, or make the household ineligible.

\* \* \* \* \*

Dated: March 30, 1995.

**Ellen Haas,**

*Under Secretary for Food, Nutrition, and Consumer Services.*

[FR Doc. 95-8492 Filed 4-6-95; 8:45 am]

BILLING CODE 3410-30-U

**Animal and Plant Health Inspection Service****7 CFR Part 354**

[Docket No. 95-003-1]

**Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine by removing and adding commuted traveltime allowances for travel between various locations in Oregon, Washington, and Wyoming. Commuted traveltime allowances are the periods of time required for Plant Protection and Quarantine employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Plant Protection and Quarantine employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime between these locations.

**EFFECTIVE DATE:** April 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul R. Eggert, Assistant to the Deputy Administrator, Resource Management Staff, PPQ, APHIS, Suite 4C03, 4700 River Road Unit 130, Riverdale, MD 20737-1228; (301) 734-7764.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals, animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Plant Protection and Quarantine (PPQ) on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as

nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by removing and adding commuted traveltime allowances for travel between various locations in Oregon, Washington, and Wyoming. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

#### Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Just Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

#### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

**Authority:** 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by removing or adding in the table, in alphabetical order, the information as shown below:

#### § 354.2 Administrative instructions prescribing commuted traveltime.

\* \* \* \* \*

#### COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
[Remove]			
*	*	*	*
Oregon:			
Astoria ..	.....	1	
Astoria ..	Longview, WA.	.....	3
*	*	*	*
Coos Bay (including North Bend).	.....	1	

#### COMMUTED TRAVELTIME ALLOWANCES—Continued [In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
Newport ...	Coos Bay .	.....	5
Port Westward.	.....	Astoria	2
* * * * *			
Portland ...	Longview, WA.	.....	3
* * * * *			
Westport ..	Astoria .....	.....	2
* * * * *			
Washington:			
* * * * *			
Grays Harbor.	Astoria, OR.	.....	3
* * * * *			
Kalama ....	Longview .	.....	2
* * * * *			
Longview .	Astoria or Portland, OR.	.....	3
Longview .	Longview .	2	
* * * * *			
Raymond .	Astoria, OR.	.....	2
* * * * *			
Vancouver	Longview .	.....	3
* * * * *			
Willapa Bay.	Astoria, OR.	.....	2
* * * * *			
Undesignated Ports.	Astoria or Portland, Oregon, Tacoma, Seattle.	.....	3
* * * * *			
[Add]			
* * * * *			
Washington:			
* * * * *			
Longview .	Portland, OR.	.....	3
* * * * *			
Undesignated Ports.	Portland, OR, Tacoma, Seattle.	.....	3
* * * * *			
Wyoming: Cheyenne.	.....	1	

Done in Washington, DC, this 3rd day of April 1995.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-8616 Filed 4-6-95; 8:45 am]

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## **Agricultural Marketing Service**

### **7 CFR Part 918**

[Docket No. FV95-918-1]

#### **Suspension of Provisions of Marketing Order 918; Fresh Peaches Grown in Georgia**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension order.

**SUMMARY:** This rule is a continuation of a suspension order that suspends, for two additional fiscal years, effective March 1, 1995, through February 28, 1997, all provisions of Federal Marketing Order No. 918 for fresh peaches grown in Georgia (order), and the rules and regulations issued thereunder. This rule is the result of a recommendation for continued suspension made by trustees of the Georgia Peach Industry Committee (trustees). The trustees' recommendation was based upon the belief that a State program, which is currently active in market promotion and merchandising for the Georgia peach industry, could provide the quality, maturity, and size regulations that were in effect under the Federal order, and would result in more efficient use of industry funds. The trustees believe more time is needed to study changes in the industry, and any new developments which could affect the need for, or status of, the order.

**EFFECTIVE DATE:** March 1, 1995, through February 28, 1997.

**FOR FURTHER INFORMATION CONTACT:** William Pimental, Southeast Marketing Field Office, 301 3rd St., NW., suite 201, Winter Haven, Florida 33883-2276, telephone 813-299-4770, or Mark Kreaggor, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-720-2431.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 918 (7 CFR part 918) regulating the handling of peaches grown in Georgia. The marketing agreement and order is effective under the Agricultural Marketing Agreement

Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act." The suspension action is being taken under the provisions of section 8c(16)(A) of the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is a continuation of a suspension order than suspends, effective March 1, 1995, through February 28, 1997, all provisions of the marketing order and the rules and regulations issued thereunder. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has as his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of Georgia peaches and approximately 150 peach producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000. Small agricultural

service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of these handlers and producers may be classified as small entities.

Marketing Order 918 has been in effect since 1942. The order provides for the establishment of grade, size, quality, maturity, container and inspection requirements. In addition, the order authorizes production research and marketing research and development projects. It also provides for reporting and recordkeeping requirements on affected handlers. The production and marketing season runs from early March through late July.

The Georgia Peach Industry Committee members met on November 14, 1992, and unanimously recommended suspension of the marketing order at the end of the 1992-93 fiscal period. The recommendation was made to eliminate the expense of administering the marketing order. The members' recommendation was based on the belief that the quality, maturity, and size standards that were in effect under the order could be implemented under a State program that concurrently conducted market promotion activities for the Georgia peach industry. The members believed that by transferring all functions to a single program, industry funds would be used more efficiently. While the Federal order authorizes marketing research and development projects, these activities had been carried out under the authority of the State program for several years. The order also authorizes container requirements and production research, but these provisions had been inactive for many years.

The committee members recommended suspension, not termination, of the marketing order to allow the industry an opportunity to review the effectiveness of operating under only a State program. If problems developed, the committee members wanted the industry to have the alternative of reactivating the Federal marketing order.

During the suspension period, all nine committee members (not including alternates) served as trustees for the Georgia Peach Industry Committee.

The trustees met on November 17, 1994, and unanimously recommended extending the suspension of the marketing order for two additional years. The trustees' recommendation was based on the belief that extending the suspension for two more years will provide the industry with further opportunity to study changes and any new developments which could affect